

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-SEITZ(s)
Magistrate Judge Garber

SS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
PAUL DIFILIPPI,)
)
Defendant.)
_____)

JOINT MOTION FOR PRETRIAL DIVERSION

The United States of America, by and through its undersigned Assistant United States Attorney, and the defendant, PAUL DIFILIPPI, and his undersigned counsel, hereby jointly request that this Honorable Court permit the defendant to participate in the Pretrial Diversion Program, which provides for the deferment of prosecution in this case for a period of six months.

1. The government and the defendant, PAUL DIFILIPPI, have entered into a Pretrial Diversion Agreement, a copy of which will be filed with the court.

2. If the defendant successfully complies with the conditions of the Pretrial Diversion Agreement, at the conclusion of the pretrial diversion period, the government will request the dismissal of count four of the superseding indictment in this case as to the defendant.

3. The defendant is aware that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and

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public trial. The defendant is also aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment for unnecessary delay in bringing a defendant to trial. The defendant requests the United States Attorney for the Southern District of Florida to defer prosecution in this case for six months. The defendant agrees and consents that any delay from the date of the Pretrial Diversion Agreement to the date of any reinitiation of prosecution in this case shall be deemed to be a necessary delay at the defendant's request, and the defendant waives any defense to such prosecution on the ground that such delay operated to deny his rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial, for a period of six months.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

BY:


J. BRIAN McCORMICK
ASSISTANT UNITED STATES ATTORNEY

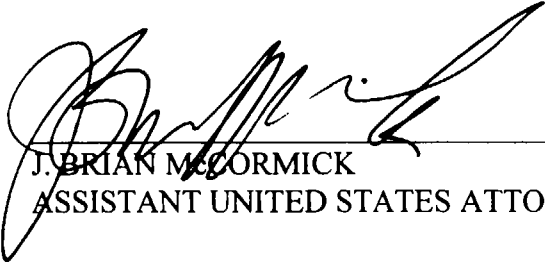

PETER RABEN
ATTORNEY FOR DEFENDANT


PAUL DIFILIPPI
DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that copies of this Joint Motion for Pretrial Diversion were mailed or hand-delivered this 2 day of ^{Aug}~~July~~ 2001, to :

Peter Raben, Esquire.
200 S. Biscayne Blvd.
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Miami, Fl. 33131


J. BRIAN MCCORMICK
ASSISTANT UNITED STATES ATTORNEY